

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE)	
COMPANY'S CONTRACT ARRANGEMENT)	CASE NO. 90-023
WITH CITIZENS FIDELITY BANK)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell"), filed January 18, 1990 pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost support data on the grounds that disclosure of the information is likely to result in competitive injury, and it appearing to this Commission as follows:

South Central Bell has entered into a special service arrangement contract with Citizens Fidelity Bank to provide the bank with ESSX features. These features involve electronic telephone sets (P-Phones) and DECAS capability on those sets. South Central Bell also seeks confidential protection of cost support data developed in connection with a special service arrangement contract for the provisioning of traveling class mark service.

The information sought to be protected is not known outside of South Central Bell, is not disseminated within South Central Bell except to those employees who have a legitimate business need to and act upon the information, and it is confidentially protected and preserved by South Central Bell through all

appropriate means, including the maintenance of appropriate security at its offices.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Disclosure of the cost support data to the contracts would provide competitors with knowledge of South Central Bell's specific costs for providing the service, as well as contribution for the service. Competitors could use this information to offer competing services and, therefore, knowledge of this information would provide competitors with an unfair business advantage. Therefore, the information should be protected from public disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The cost support data developed in connection with a special service arrangement contract with Citizens Fidelity Bank for ESSX features and for the provisioning of traveling class mark service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. South Central Bell shall, within 10 days of this Order, file an edited copy of the cost support data with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

3. This matter shall be closed upon the filing of edited copies of the material for which confidentiality has been granted.

Done at Frankfort, Kentucky, this 12th day of February, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director